

PATRONS—P. P. A.'s—LOCAL ELECTION OF GOVERNMENT  
OFFICIALS—THE FEE SYSTEM—PROVINCIAL  
EXPENDITURES.

---

SPEECH

BY

SIR OLIVER MOWAT,

BEFORE THE

TORONTO YOUNG MEN'S LIBERAL CLUB,

ON

Monday, 14th January, 1894.

I am to speak this evening on some of the subjects which are of present interest in Provincial politics. In what I may say, I should be glad to assist Reformers and unprejudiced Conservatives, as well as Patrons and others, in forming a right judgment on some of these subjects, so far as one can do this in an hour or two of speaking. Some new elements have entered into the political field in addition to those with which we successfully dealt at the general elections of the past. But for these new elements the Reform party would probably have an easy victory at the general elections of this year; for the people take no stock in the charges which our Conservative opponents have made or are now making against us—(applause)—and the hopes of their party now rest on the temporary diversion which they are anxious that the P. P. A.'s and the Patrons of Industry may make. Neither of these recent organizations may be in sympathy with the present Opposition, but the notion is that they may serve to withdraw votes enough to defeat some Reform candidates, and thereby to defeat the Reform party and the Reform Government of the Province. The Opposition think that, the obstacle being removed which has hitherto kept them out of office, there is a chance for them in the uncertain condition which the new House may present. In this I hope in the public interest that they may be disappointed. (Hear, hear.)

Both the P. P. A.'s and the Patrons appear to be extensive organizations and to have many members. Of the two bodies, I am most surprised at the existence of the

P. P. A.'S IN PROVINCIAL POLITICS,

for the Opposition worked their cries at two general elections, and worked them in vain. We were able on both occasions to satisfy the Reformers of the Province, and such Conservatives also as were not unwilling to be satisfied, that the pretence of there having been pro-Romish leanings in our legislation and our administration of affairs was without foundation. But we have now the same charges made again, and others equally without a particle of truth.

APPOINTMENTS TO ROMAN CATHOLICS.

Thus it has been said that almost all appointments are given to Roman Catholics; that the offices and public departments overflow with them; and I am told that this statement is being repeated, though we have demonstrated its groundlessness by publishing an exact official ac-

count of the number of Roman Catholics and Protestants respectively in every department and public institution to which the appointments are made by the Government. No error in any detail of this account has been shown ; and, while probably all intelligent persons who are willing to be convinced have been convinced by the publication, there are still many P. P. A.'s who regard the disproved story as Gospel truth. The document showed that in number of appointments, the Roman Catholics had less than might be deemed their share according to their proportion of the population, and that the aggregate salaries of the Roman Catholic appointees are very considerably less than that proportion.

#### ECCLESIASTIC DICTATION.

Protestants are told also of ecclesiastical dictation in the procuring of laws as to which no ecclesiastic had ever even communicated with us.

#### BALLOT FOR SEPARATE SCHOOLS.

Protestants are told that Roman Catholics are prevented from voting by ballot for School Trustees at the instance of the Roman Catholic hierarchy ; while the fact is, that the Roman Catholic laity are not asking for the ballot, and there is not the slightest ground for doubting that the great majority of them do not yet want the ballot in the election of School Trustees ; and very probably they are all the more against it for the present, because Protestants want to force it on them from a Protestant and anti-Catholic standpoint. The professed object of doing so is to enable the Roman Catholic laity to resist the wishes of their clergy as to School Trustees ; and yet another P. P. A. statement is, that in elections to the Legislative Assembly, where they have the ballot, Roman Catholic voters notwithstanding the ballot give what is called a solid vote for whatever candidates the clergy favor.

#### ENGLISH HISTORY.

Protestants are further told that a recent departmental regulation (afterwards rescinded) as to English history, had for its object to prevent young Canadians from acquiring a knowledge of the part which the Roman Catholic Church had played in English history ; while the fact is, that such an object was not thought of. The regulation was merely that pupils should not be subject to examination on the subject of English history ; and it was to be taught orally. The regulation having been misunderstood in another respect, it was afterwards rescinded, and is not now in force.

#### INSPECTION OF ROMAN CATHOLIC INSTITUTIONS.

Another story circulated is, that while Protestant institutions under the Provincial Government are open for inspection and Government regulation, Roman Catholic institutions similarly circumstanced, it is said, are not so ; the fact being quite otherwise. By law and in practice, all the institutions referred to, Protestant and Roman Catholic, are alike subject to inspection and Governmental regulation.

#### OTHER COMPLAINTS.

In other respects the Reform Government are blamed by the P.P.A.'s for not doing things which under the Constitution the Provincial Legislature has no power to do.

These few are but specimens of the mistakes which the upright members of the society are led into, and of the misrepresentations which others are making to mislead. The time would fail me to repeat and refute all the stories which have come to my knowledge ; and it is extremely improbable that anything like all have reached my ears.

## RELATIONS OF PROTESTANTS AND ROMAN CATHOLICS.

It is a good thing for Protestants who earnestly believe, to be zealous and watchful for the religion they love. But it is not a good thing to be ready to believe everything which may be said against Roman Catholics. There is no merit, and there is on the contrary great demerit, in believing what is not true against them. Our duty is to prove all things, and to hold fast that only which is true and good. As Protestants we do not pretend to vindicate the Roman Catholic Church in respect of anything which history may have recorded of it, or in respect of any of its theological doctrines. But Roman Catholics are here; they constitute nearly one-sixth of our population in Ontario, and nearly five-twelfths of the population of Canada. Amongst the Roman Catholics whom we know, most of us can testify, Protestants though we are, that many are good husbands and wives, good sons and daughters, good fathers and mothers, good masters and servants, good citizens, and benevolent and humane in character and conduct. (Hear, hear.) To thoughtful men and women who are not P. P. A.'s, it ought to be obvious that Protestants will not induce Roman Catholics to become Protestants, or make them better otherwise, by persecuting them, or by refusing them employment or business, or by excluding them from Municipal Councils and the Legislature. On the contrary, such a course is calculated to make them more than ever anti-Protestant, and to bind them more closely than ever to their clergy, who sympathize with them, and must more or less suffer with them. It is surely obvious that to excite the animosity of Roman Catholics is not the way to liberalize them. Reasoning that does not unnecessarily antagonize may do something with them, and kindness may do something. Let us reason with them, then, as we will or can. Let us be kind and considerate in our bearing towards them. Let them see that we recognize their rights, whatever these may be. Don't let us proclaim to them that, by reason of their continuing in the faith in which they have been brought up, we hate them, or are ready to believe everything bad of them, and, in a word, will have nothing to do with them that we can help. In a Province in which over five-sixths of the population are Protestants, and have an earnest, devoted and exemplary clergy, danger to Protestantism from Roman Catholics or the Roman Catholic clergy, I have no hesitation in saying, is simply out of the question. (Applause.) When attacked as a body, they may unite as a body to resist the attack, as every other class in the community would do. (Hear, hear.)

## PATRONS OF INDUSTRY.

I am now to say something as to the Patrons of Industry. As regards the Dominion Parliament, the aims of the Patrons of Industry are the same as the aims of Reformers; and the Society consists largely of Reformers. It is impossible, therefore, not to regard them with friendliness, and not to regret that their course towards the Reform party should weaken the joint power of the two parties to procure those reforms in Dominion affairs which both desire. These reforms are immensely more important to farmers and the public in general than anything that could be accomplished by defeating, or enabling Conservative candidates to defeat, Reform candidates for the Provincial Legislative Assembly. The article of the Patrons' platform which affects Ontario politics might reasonably be left in abeyance for a time at all events. The article referred to is as to the local election of the Provincial officers who reside in the respective counties. Some of our friends, who are not Patrons, appear to regard with favor the view ex-



pressed on this subject in the Patrons' platform, or, at all events, look on it as a view which might be accepted. I shall, therefore, state the principal reasons why the Government has not hitherto advised the change now proposed. These reasons, and the facts bearing on them, do not appear to be generally understood. I do not anticipate any ultimate divergence of opinion between the Reform Government and the Reform party in the future, as there has not been any in the past. (Applause.) Meanwhile let our reasons for what we have done, and for what we have refrained from doing, receive from all concerned the consideration to which these reasons may be entitled. (Hear, hear.)

#### LOCAL ELECTION OF GOVERNMENT OFFICIALS.

The article on the subject in the Patrons' platform does not deal with details, and it is understood that Patrons are not yet agreed as to whether the change should be to election by the County Council, or by direct vote of the municipal electors of the county. As regards the individual members of the Order, I am told that some are for making the change applicable only as vacancies occur, and not so as to affect present incumbents who have been efficient officers and been guilty of no wrong; that some would cancel all existing appointments without exception; that some would limit the change to officials not connected with the administration of justice; that some would confine the change to Registrars and Sheriffs, though the Sheriff is connected with the administration of justice; that some would have the elected officials to hold office for five years; that some are for a shorter term; and that some desire to have the elected officers hold their offices during good behavior, as in practice the officials have done hitherto, and as in practice municipal Treasurers and Clerks also do. I do not discuss any of these details at present, though the assent or dissent of many may depend on the nature and extent of the change proposed or contemplated. I have elsewhere expressed the opinion that election by direct vote at the polls would be better than election by the County Councils, if the choice were between these two methods only.

The question of the mode of choosing the officials does not itself involve the question, whether the proper or best mode of remunerating them is by fees or salary—as to which I shall speak later on. Nor does it involve the question as to the fitting amount of their remuneration. As to that, I only observe that if the present statutory reductions should be thought to leave any of the incomes too large, any further reduction may be either by exacting for public uses a larger percentage of their receipts than now, or by the other method of funding the fees and paying fixed salaries. The official incomes may be reduced in either of these ways, whatever should be the mode of choosing the men.

#### ELECTION OF OFFICIALS BY THE PEOPLE AT THE POLLS.

1. It is sometimes asked why, as the body of electors are qualified to choose members of Parliament, they are not equally qualified to elect the Registrars and other Provincial local officers also? And the question is sometimes thought to be conclusive. But it is not so. The case of shareholders in a banking company, or other large joint stock company, illustrates the difference. The shareholders choose the directors, and they leave to the directors the selection of the officers of the company. No one questions that this method of management is in the interest of the companies; it is for this reason that the system is universally adopted. So, under the school law, the people choose the school trustees, the trustees choose the teachers. Under the municipal law, the people choose the members of the Council, but the Council choose the municipal Treasurer and Clerk, the assessors, collectors, and other officers.

There are stronger reasons in the case of the Provincial officials than in those cases which I have mentioned ; for an elector's choice in voting for a member of the Legislature depends, not merely or principally on what he may know of the integrity and business ability of the respective candidates, but also, and largely, on the political and other parties to which they respectively belong, and the professed principles and history of each party. The merits or demerits of parties are the daily or weekly subject of discussion in the newspapers throughout the Province. The subject is interesting to all who read the public journals, whether they are electors or not, and is as interesting in other constituencies as in the elector's own constituency. Wherever he goes these matters are talked about, and they are of continued interest and of continued importance from one election to another. The discussion of them is a political education as to the voting for members of the Legislature. But the electors have no such advantages in judging as to the comparative personal qualifications of candidates for such an office as County Attorney or Local Master, or any of the other offices now under discussion. The two cases will, therefore, on consideration, be seen to be entirely different.

#### WOULD IT BE A BENEFICIAL CHANGE ?

2. When any government or legislative change is proposed or considered, the first and most important question to be weighed is whether the change is likely to be a beneficial change. In the present matter it has not been suggested hitherto, so far as I have seen, that the work of the officers aimed at would be better done in case of the offices being filled by county election or appointment. We have the experience of our neighbors across the line as to the election of such officers, and there is no pretence that they have elected better men or more efficient officers than as a rule our officers are, by whatever party appointed. In fact, the very contrary is the case ; our officers are as a rule superior to theirs. (Applause.)

#### LIBERAL PRINCIPLES.

3. Again, we cannot go for the change to local appointment or election from a notion that the proposed method follows necessarily or logically from Liberal principles in other matters. On the contrary, I have failed to find that municipal election or appointment of such officers is in use under any Liberal or Democratic Government in the world except the United States, or that it has been demanded by any large party of Liberals anywhere else. I refer to these facts to show that a man may be a good Liberal here without favoring local appointment or election to the offices in question. That method prevails, as I have said, in the United States, but I hope that, however kind our feelings are towards that country, none of us have such a love for whatever exists there that the mere existence of the proposed system there is sufficient to make us determine to have it here. Let us have in Ontario the best modes, and the best laws, whether they correspond with those of our neighbors or not. Several of our institutions, and many of our laws, are in advance of theirs, and as regards these we should be retrograding, and not advancing, were we to adopt theirs in place of our own.

Do not let us forget that the Provincial Government represents the people—the people of the whole Province—quite as much as the electors or municipal councillors of a county represent that county. (Applause.) Under responsible government, the Government consists, in effect, of a committee of the Legislative Assembly chosen by the people, and the Government must have the support and confidence of a majority of that representative body. Thus, what is done by a Govern-

ment under the responsible system is recognized as done by the people. An appointment by the Government is quite as much an appointment by the people as an appointment by a County Council would be, or as an election by a direct vote of the electors on the specific appointment. The difference is, that an appointment by the Government is an appointment by the people of the whole Province; while either of the other modes would be an appointment by the people of only a small section of the Province. Some things are better done by a municipal section, and other things are better done by the Province as a whole. The present question is, to which class do the appointments in question belong?

4. Again, under the elective system in regard to public officers it is found by experience that the mass of the people do not really choose. The choice is made, and perhaps necessarily made, by a few members of each of the respective political or other parties who meet in caucus or otherwise for this purpose. The choice of the electors is limited to one or other of the candidates so chosen. An elector who does not vote for one of them throws away his vote, for no other can get votes enough to be elected. In 99 cases out of 100, perhaps in 999 out of 1,000, it is party, and not the qualification of the candidate for the office, that determines the electors' choice. (Hear, hear.)

#### OFFICES WHICH ARE IN QUESTION.

5. I understand that the officials whose appointment some propose to withdraw from the Provincial Government and transfer in some form to the counties are some or all of the following: Registrars of deeds and instruments affecting the titles to lands, County Crown Attorneys, Sheriffs, Local Masters, Local Registrars of the High Court of Justice, Deputy Clerks of the Crown, County Court Clerks, Surrogate Registrars, and Clerks and Bailiffs of Division Courts.

As regards all these officers their duties are not municipal. The laws with which they have to do are Provincial laws, and in a few instances Dominion laws, not municipal by-laws or regulations; their duties under these laws are of prime importance to the whole Province, not to the county only; and under the present system the Government is responsible for the efficient discharge of those duties.

The article in the Patrons' platform embraces county officials generally, not those of the Province only. Dominion offices, and Dominion local offices, must have been in the mind of the Patrons, as they "except" County Judges, who are appointed by the Dominion. Amongst the Dominion offices which might as well be filled by local election as those now in the gift of the Provincial Government, are postmasters, local inspectors of weights and measures, local inspectors of wheat and other Canadian products, local inspectors of gas and gas meters, local inspectors of petroleum, local officers of the Exchequer Court, and others.

#### PRINCIPLE OF PRESENT SYSTEM.

6. The general principle on which the present system proceeds is, that it is for the public interest that the Government of the country, in other words the people of the Province as a whole, should be responsible, as far as practicable, for the administration of justice in the whole Province, and that for this purpose the chief officers appointed for the administration of justice and the security of titles should be appointed by the General Government or Central Authority as representing the people of the country as a whole, and should be under their supervision, and subject to dismissal by such Government. The proposed system would, of course, relieve the Government from this responsibility, as regards all officers whom the Government should not appoint, and over whom they would have no control.



## GOVERNMENT INSPECTION.

7. Take, as bearing on the subject, the matter of governmental inspection. Every one who has given any attention to the subject knows the exceeding importance of inspection, in order to the efficiency, fidelity and accuracy of public officers of every class and kind. Accordingly, the Province has, with unmistakeable advantage, Inspectors of Schools, Inspectors of Prisons and Charities, an Inspector of Legal Offices, an Inspector of Registry Offices, an Inspector of Division Courts, and Inspectors of Factories. The Dominion has Inspectors of Postoffices, Inspectors of Penitentiaries, Inspectors of Fisheries, Inspectors of Customs, and other Inspectors with like duties.

There are no officers in the service of the Province or of the Dominion whose offices are of more value in their respective departments than those of Inspectors. The Government, on their report, corrects anything wrong, and has now the power of enforcing attention by suspension or dismissal. The effect of this power, and of the occasional suspension or dismissal of an officer for good cause, is most valuable. But where there is local appointment or election, the officials are independent of the Government and its officers, and are of necessity responsible only to those in the locality who appoint or elect them. If the tenure is for a fixed term, the official is practically secure for that term, however faulty he may become, short perhaps only of felony. Unless his misconduct is very gross and open, it may not even stand in the way of his having a second term. Officials of every class and however chosen need authoritative inspection.

## REASONS GIVEN FOR PROPOSED CHANGE.

## FORMER PRACTICE.

(1) I have stated some of the reasons which there seemed to be for these appointments being left as hitherto with the Government of the day having the confidence of the people. What are the reasons given for the proposed change? One reason given is, that the local appointment or election of the Provincial officers to be affected was (it is intimated) formerly the practice, and it is said that the present Ontario Government took the right from the locality—"filched" it in fact; that the change would therefore be merely restoring the matter to its former position. But there is no truth in all this. The License Inspector is the only salaried local official who was formerly appointed by the Council or elected by the ratepayers and is now appointed by the Government, and I do not understand that it is now proposed in any important quarter that he should be one of the officials to be hereafter elected. Inspectors of Licenses are now paid out of a licensee fund which the Municipal Councils do not raise or collect. Inspectors were formerly paid out of funds raised by the Municipal Councils, and they were at one time elected by popular vote, and again they were appointed by the County Councils. The change, which we made in 1876, in the mode of appointing them was part of our temperance legislation, and in the interest of temperance, and would not otherwise have been made or thought of. (Applause.) The appointment of inspectors by vote of the municipal electors was, I think, first enacted as long ago as 1850, (13 and 14 Vic., c. 65, s. 5); and seems to have continued until 1858 (22 Vic., c. 99, s. 252). The Act of 1858 provided for the appointment of the inspectors by the Municipal Councils of townships, cities, towns and incorporated villages; and this remained law until the Act (39 Vic., c. 26, s. 8) passed in 1876. Both modes were found to work badly, and the change made in 1876 to appointment by the Government was hailed with satisfaction

by both temperance men and others who desired to see the liquor license laws better enforced. From the time the change took place until now no temperance organization that I know of has ever by petition, resolution or otherwise expressed a desire to return to the old system ; and no other class of the community has done so either. In fact I have never known or heard a single temperance man who did not or does not regard appointment by the Government as an improvement, and a great improvement, as compared with either of the former methods, whatever his opinion may be as to other officials. (Applause.)

Of the other Provincial officers in regard to whom the change to county appointment or election is proposed, not one was ever appointed by a County Council or by popular vote ; not one.

#### LEGISLATION AS TO MUNICIPAL COUNCILS.

(2) The pretence of the Opposition is often put in a general form as if under my Premiership not only had patronage been wrongly diverted by the Legislature from Municipal Councils, but as if other jurisdiction had been improperly withdrawn from these Councils. That also is not so. The only subject (other than the liquor license law) as to which, so far as I recollect, the jurisdiction of the Municipal Councils has been diminished is in regard to granting bonuses in aid of railways, or for promoting manufactories in the municipality. The restrictions in such cases were made at the instance of the ratepayers, who desired these restrictions on their municipal representatives, and the adoption of such restrictions had the general (though not unanimous) approval of the House, including members of both political parties. Nor has there been any indication since, that the people desire the former power of the municipal bodies on the subject to be restored. On the other hand, there have in my time been various additions to the jurisdiction of Municipal Councils in other matters.

#### OFFICIALS ARE NOT PAID BY MUNICIPALITY.

(3) But the principal reason given for the proposed change is, that these officials in each municipal County, it is said, are "paid" by the county municipality. The article in the Patrons' platform is thus expressed :—" (7) A system of civil service reform that will give each county power to appoint or elect all county officials paid by them, except County Judges." But the Provincial officers named are not paid by the municipality. Any of them who receive a salary are paid that salary by the Province and not by the county. The county pays no salary to any of the officers whom it is proposed to elect. The county pays fees to the Sheriff for business done, but the Province also pays him fees, and the amount paid by the Province exceeds considerably the amount paid by the county. Thus, in 1892, the aggregate amount paid to the Sheriffs by the Province was \$43,015. The aggregate amount paid out of county funds was not much more than half that sum, \$23,040.

#### INCOMES OF OFFICIALS.

The chief part of the incomes of all the officials named comes, not from either Provincial or municipal funds, but from the individuals who from time to time happen to have private business of their own to be performed by these officials. All that the County Council does for any of them, except the Division Court Clerks and Bailiffs, is to provide and furnish offices in the court house, and to supply these offices with needed fuel and light (Municipal Act, sec. 466). As to the Division Court Clerks and Bailiffs, they have to find their own offices, and the only obligation of the County Councils to any of them is to furnish certain books to those of them whose fees do not amount to \$500 a year.



The court room for the Division Court has to be supplied by the local municipality within which the Division Court is held.

Not only do not the incomes of the officials referred to come from municipal taxation, nor from any fund of which through the County Council or otherwise the county has control, but the greater part of the electors of the county have never any business at any of the offices named, and are not even among those who pay such fees. Of those who do pay the fees, there are many who do not reside in the county, and many who, though they reside in the county, are not electors there. If the election ought to be by those who pay the officials, those who pay the fees should make the appointment. If the electors generally make the choice, it is plain that in most cases those who do not pay will have, by many times, greater weight in the choice than those will have who do pay the incomes of the officials elected. (Applause.)

(4) Again, it is not to be forgotten that whatever evils should be found to result in the Province from the change proposed, it would be impossible to retrace our steps. Other interests and influences would spring up which would give strength to the new system apart from its merits and despite of demerits. This has been the invariable experience elsewhere. Local election of officials gives increased local importance to local wire-pullers and to individual voters, and the local influence gradually absorbs into the elective system the high officers of State and the Judges and Magistrates, as well as the local Provincial officers. It would be folly to shut our eyes to this.

#### ELECTION OF JUDGES.

(5) The idea of electing the Judges shocks most of our people now, and it is important to bear in mind that, were the change made which is now proposed, we should be opening the door for the election of our Judges. It is true, that, in the Patrons' platform, County Judges are excepted from the proposed change. But it is to be remembered that when provision was first made in the several States of the American Union for the election of other officers Judges were not included, yet the exception was afterwards swept away in most of the States in which it had at first been made. The election of Judges appears to have been adopted first by Mississippi in 1832, and then by New York in 1846. The New York constitution then adopted provided for the elections of all the Judges, county officers and clerks of court; and many of the other States have since followed the example of New York.

#### HOW THE SYSTEM WORKS ELSEWHERE.

(6) How the proposed system works in the United States is thus stated in Mr. Sterne's Constitutional History of the United States, published in 1882, p. 257:—"At a general election the voter is bewildered with the number of people he is called upon to vote for, and he finds it, therefore, more and more difficult to determine upon the fitness of candidates and is thus put at the mercy of political wire-pullers and leaders, who make the selection for him and call upon him to vote, aye or nay, between two or at most three candidates for the same office. This difficulty has not yet met with an intelligent solution at the hands of American statesmen."

The same author has the following observations, (at p. 255), with respect to the election of Judges in the United States:—"The opinion of the bar, as expressed by organized bodies of lawyers, has been almost uniformly in favor of a return to the system of appointment by the Executive: as the people as a whole, under existing American political conditions, are scarcely the proper custodians of the power wisely to

select from among the bar the men who are best qualified for judicial functions, and the methods resorted to in order to secure nomination for judicial offices are oftentimes in themselves so demoralizing that it degrades the office in popular esteem, even if the selection of the people as a whole were as wise as that which could be made by the chief executive officer of the State, acting under a sense of his responsibility to the people for making a proper selection."

I may add some short extracts from Mr. Seaman's work on the American system of government, pp. 123 and 165 :—" Under our party machinery and present system of electing officers, the Judges, sheriffs, constables and police officers are all too dependent for their nomination and election upon non-taxpayers \* \* \* to secure good officers, a faithful administration of law and justice, or an efficient police. \* \* \* Among an educated and reading people, the most of the electors will acquire sufficient knowledge of the acts, history and character of a few of the leading men of the State, whose names may be presented for Governor, to enable them to vote intelligently for a proper man for that office." The same remark applies to the election of members of the Parliament and Legislature ; but " the multiplication of elective officers . . . often renders it impossible for electors, who are constantly occupied with their own private affairs, to acquire sufficient information of the qualifications, characters and fitness of numerous nominees for office, to enable them to discriminate properly and to vote intelligently. On the contrar , the Governor and State officers are employed and paid to devote their whole time to the public service ; and, it is the Governor's duty to inform himself in relation to all candidates for office ; and he has the aid of the State officers in their several departments. He is responsible for his acts ; and more likely than the wire-workers and managers of party conventions to make good selections." Under our system of responsible government, it is the Lieutenant-Governor in Council who makes the appointments, and the Council that is responsible for them to the people.

Prof. Bryce, whose book on the American Commonwealth has been much praised in the United States, speaks of this method of choosing Judges as throwing " this grave and delicate function into the rude hands of the masses, that is to say, of the wire-pullers. . . . Popular elections throw the choice into the hands of political parties, that is to say, of knots of wire-pullers. . . . The mischief is serious . . . has malign effects." Most of the State officials are now, in nearly all the States, elected by direct vote of the people.

One of the startling incidents of the popular election of Judges and other officials in the United States, is the custom which the system creates of assessing every candidate for an elective office, for a certain sum for the election fund of his party ; and no one is nominated for any office who does not submit to this assessment. Sometimes candidates for the judiciary outbid one another, in order to obtain the party nomination. At a recent election in New York a candidate for the judgeship of the Court of Common Pleas admitted having expended on the contest, \$10,500 ; another for the Supreme Court admitted the expenditure of \$7,000. Two for the City Court admitted \$7,898 and \$6,450, respectively. Another, for the office of Civil Justice, admitted an expenditure of \$6,543. The larger part of these expenditures was paid in each case to Tammany Hall. Much more is believed or known to have been expended than the candidates admitted, but how much more cannot be known (*Forum*, April, 1893, p. 149). I should like to avoid any risk of like calamities coming upon us in this Province. (Applause.)

I have said that it is proposed to except County Judges from the proposed change here ; but local Masters are not excepted, and they are judicial officers as well as the County Judges, and may deal with larger sums and more important questions than belong to the jurisdiction of County Courts. There is thus greater reason for excepting local Masters than for excepting County Judges ; and if local Masters are not to be excepted, we have at once an indication of what would soon be done with County Judges, though County Judges are excepted at the start.

#### PARTYISM IN APPOINTMENTS.

(7) Another argument for the proposed change is, that if appointments were made by the County Councils or by popular vote, appointments would not be influenced by partyism. But that is a mistake. It is quite certain that there would be the same partyism, however the appointments are made. It is so in every State of the Union where such officers are elected. It has been said that the Government in making an appointment does not consider whether the duties of the office will be well performed or not. That is a misrepresentation. Fitness and the due performance of the duties have always been insisted upon by the Ontario Reform Government as an essential condition to every such appointment ; and all party considerations have been subject to that condition. It has been said that the clerks and bailiffs and other officials appointed by the Government have continued to be active political partizans, and have used on voters the influence of their offices ; but all that has come to my knowledge is the reverse of this. We have found that, as a rule, to give an office to an active friend is to deprive us of his services politically ; and we expect that result from every appointment. Our experience is, that the appointee almost invariably regards his position as disqualifying him for political partizanship. I say almost invariably, for I do not say that there are no exceptions. But of officials who are more or less party men notwithstanding their offices, some are active against us. One of the chief agitators and speakers against the Reform candidate in North Bruce was a Division Court Clerk. We have not removed anyone on this ground, though every Government has a right to insist that officials shall not take an active part against the Government of the day.

In the American States in which such officers are elected they always and without exception continue to be active political partizans during their whole term of office ; and we could not expect it to be otherwise under the same system here. Active and useful partizanship is their only chance of getting another nomination when their term expires.

#### GOVERNMENT PATRONAGE—ITS PRESTIGE.

The Conservative Opposition urge the change to local appointment with reference to the Reform Government of the Province, but do not want it with reference to the Conservative Government of the Dominion. While our opponents pretend in Provincial politics to object to patronage as giving a Government too much power, some Reformers would favor its being withdrawn from the Provincial Government because it appears to them to be a source of weakness to a Government rather than a source of strength, inasmuch as several friends are disappointed whenever an appointment is made. I cannot say that patronage is on the whole a weakness ; but it is the prestige which belongs to the right of patronage that gives to it its chief advantage to the party in power. For this purpose it is valuable, notwithstanding its disadvantages in some other respects.

The prestige of the Dominion as compared with the Provinces is already quite great enough for the interest of the Province ; and as the



possession of patronage gives a certain prestige, the Province should not be deprived of that prestige while the local prestige of the Dominion is left untouched. The Dominion Government now appoints our Governors and our Judges; claims and exercises power to appropriate our railways and our public works; vetoes any of our legislation which happens to be distasteful to its friends; and has a larger exclusive legislative jurisdiction than the Congress of the United States has. It is important to Provincial interests that while this constitution lasts, nothing should be done to lessen the prestige of the Provincial Government, the representatives of Provincial jurisdiction and authority.

#### ATTITUDE OF CONSERVATIVE POLITICIANS.

The recent attitude of Conservative politicians on the subject of the local Provincial officials was not their attitude when they were in power in Ontario, is not their attitude now as regards any Dominion officials, and is the reverse of a Conservative attitude. In fact nothing could be more anti-Conservative than their attitude now.

#### SUMMARY.

Some of the reasons which I have been mentioning may be summarized in this way:—The present officials are an upright and efficient class of men; it is not supposed, and there is no ground for supposing, that either of the proposed changes would give us better men or more efficient officers. Such of them as receive salaries receive them from the Province and not from the county. Less of the fees of any of them who receive fees is paid out of county funds than is paid by the Province. Where responsible government and representative institutions exist, there is no objection on acknowledged liberal or democratic principles, or on business principles, to the present mode of appointment by the central authority in the Province instead of the county in which the official performs his duties. The election of judicial or executive officers by direct vote has not been found to work to the public advantage where tried. Election by the people of representatives to the Legislature, to the Municipal Councils, to School Boards, and the like, stands on a different footing, and is necessary for a country's freedom and best interests. It is, on the other hand, in the general interest that the Government of the country should be responsible as far as practicable for the administration of justice in the whole Province, for the security of title deeds therein, and for the inspection and supervision of the officials engaged in those departments of the public service. So at least all our predecessors thought; and so we also thought.

#### THE FEE SYSTEM.

I have now to say something regarding the fee system of remunerating these officials. I have already pointed out that if any of the incomes of any of the officials are thought to be too large, the adoption of the salary system is not necessary for the reduction of any of them; the object may be accomplished by exacting for public uses a larger percentage of the officials' receipts. In view of that alternative the question is, Which of the two systems is in the public interest?

1. The present fee system of remuneration was not created or introduced by the present Ontario Government. It was in existence in regard to every one of these offices at the time I became Premier, and always before, and had been maintained, as regards the Provincial officials mentioned in preference to the salary system, by all former Governments of every party. It is to be noted also, that the system of paying some public officers by fees has been the practice everywhere as well as in Ontario, and is still, to a considerable extent, the practice in

other Provinces and other countries. I have not been able to obtain an exhaustive list of officers so paid elsewhere, but I am able to say, that up to a late date, and I presume up to the present time, the remuneration of Registrars and Sheriffs is by fees in Nova Scotia, New Brunswick and Manitoba, and in Michigan, Ohio, Minnesota and Kansas. In New York the Sheriffs are paid by fees, and in most parts of the State the Registrars also. In Connecticut the Registrars are paid by fees, and the Sheriffs partly by fees and partly by a salary in addition to fees.

2. One important advantage of the feesystem over fixed salaries is that the incomes of officials depend on the varying amount of the business from year to year, and, therefore, on the amount of work and responsibility for the year. On the salary system, the Province takes the risk of diminished business, and gains no counter-balancing advantage.

3. That which, in spite of such considerations as these, has led to whatever public opinion prevails against the fee system, has arisen from some of the officials having incomes which seem to objectors to be excessive, and to be larger than the salaries which would be assigned to them by the Legislature if the incumbents were to be paid by salaries, and it is assumed, the difference would be saved for public uses. But that is a mistake. The differences do not show what would be saved for public uses. The Government of Mr. Sandfield Macdonald, and the Governments which succeeded him, have alike perceived that no such result could be counted upon. The matter came up under Mr. Sandfield Macdonald's Government, with special reference to the fees of Registrars, in the years 1868, 1869, and 1871, and in each of these years the proposal of paying salaries instead of fees was rejected by the Government. (Applause.)

#### MR. BLAKE'S BILL, 1872.

4. When Mr. Blake came into power, he brought in a bill dealing with the subject of Registrars' fees and allowances, not by funding the fees and substituting salaries to the officers, but by requiring Registrars to pay over a certain percentage to the counties, when their gross receipts exceeded \$2,500. Of the first \$500 over \$2,500 a Registrar was to pay to the county 10 per cent. ; of the next \$500, 20 per cent. ; of the next \$500, 30 per cent. ; of the next \$500, 40 per cent. ; and of all over \$4,500, 50 per cent. Until recently this scheme was generally accepted by the public of all parties.

#### ACT OF 1893.

5. The present Government took up the subject last session, the incomes of some of the officers having increased meanwhile, though the expenses of living in cities and towns had also increased. Our bill provided for a certain percentage to be paid out of their receipts by certain officials not named in the bill of 1872, when the net incomes of these officers exceeded certain named sums ; and the bill provided for a further percentage to be paid by Registrars also, in addition to that payable by them to the counties under the Act of 1872.

We did not introduce by our bill the system of salaries instead of fees, for the same reasons in substance as those for which the preceding Governments had not introduced it ; and since their time we had additional experience of our own in support of the view on which preceding Governments acted.

#### OSGOODE HALL OFFICIALS.

6. There had before been experience of the working of the system in regard to similar offices at Osgoode Hall. There, from a date

prior to confederation, the officials have been paid by salary, and the fees have gone into the public treasury. The salaries given are moderate, and have not hitherto been objected to by anyone, so far as I know.

It has been said in the Opposition press that the number of officers and employees at Osgoode Hall is unnecessarily large. That I dispute. It is said that the number has doubled since 1871, and that the salaries of some of them have increased. The increases in salaries were in consequence of increased experience and efficiency in those who got the increases. If the number has doubled since 1871, the business has more than doubled. Thus the number of writs issued from the process office in 1872 for Queen's Bench and Common Pleas was 891, while the number for 1892 was 2,097. Besides, since 1872 the work of the officials has been increased, not merely by the increase in the number of actions, but still further by there having been an increase in the number of departments which the business has occasioned. It is since 1872 that we have had a Master in Chambers, an Inspector of Legal Titles, a Master of Land Titles, and the shorthand reporters to the courts. The work done now by the officials at Osgoode Hall is far more than double the work done in 1872.

I have had an examination made of the comparative amount of fees on the one hand, and of salaries and incidental expenses on the other hand, at Osgoode Hall from 1885 to 1892 inclusive; and what is the result? The fees at the Land Titles office in its early years were exceptionally large, and exceeded the expenditure; but taking the aggregate amount of the salaries in all the offices at Osgoode Hall which are analogous to those under consideration, and it is found that the salaries alone have always largely exceeded the fees. In 1872 these salaries amounted to \$55,777, besides the expenses which are borne by those officials elsewhere who are paid by fees; while the fees; as ascertained from the stamps sold, amounted to \$37,000 only. The amount named for salaries does not include the salaries of the Accountant, the Inspector of Titles, or their clerks, nor the salaries of the shorthand reporters. Adding these, the excess would be by so much greater. The figures for the preceding years show substantially the same result as the figures for 1892.

#### SUBSEQUENT EXPERIMENTS.

7. The present Government, by the authority of the Legislature, made some other experiments in the same direction in the case of certain judicial officers in the county towns, who had theretofore been paid by fees, there being thought to be other reasons than those of economy for substituting salaries for fees in these cases. It was not desired, however, to give salaries exceeding what would probably be the income from fees; and the salaries were to be fixed on that basis. We made the experiment in the case of Surrogate Judges and Local Masters, two of the highest classes of officials in the public service, and the result demonstrated that as much cannot be realized from fees when they go to the public as when they go to the officer himself; however honest and honorable the officer is. It was under the Judicature Act of 1881 that our experiment was made.

#### LOCAL MASTERS.

That Act authorized the commutation of the fees payable to Local Masters and Deputy Clerks of the Crown for a fixed annual sum, not exceeding the average income from fees for the preceding five years. Under this Act, between 1881 and 1889, eight of the Local Masters were successively commuted with, the fees funded, and a fixed salary paid to the officer; and in every case the fees fell off, and there was loss to the Province.



## SURROGATE JUDGES.

The same Judicature Act provided also for commuting the fees of Surrogate Judges for a fixed annual sum, not to exceed the income which the Judge had derived from fees in some preceding year. The supposition was that, as the Province was increasing in population and wealth every year, Surrogate fees would in like manner increase every year, not being subject to the same sort of vicissitudes as the business of other courts. There have been several commutations of this class. In thirteen of these the fees received fell short after the commutation, and there was a corresponding loss to the Province. From 1881 to 1888 the aggregate amount of fees collected fell short of the commutation salaries; and, although in 1889 and since, the aggregate amount of fees has exceeded the aggregate of salaries, still eleven Surrogate Judges in 1892 received more than the amount of fees collected in their counties.

## CONCLUSION.

8. It was in view of all these facts that we were on the whole of opinion that salaries could not be substituted with advantage to the Province for the existing system of remuneration by fees. That there were some grounds for that opinion every intelligent and candid person must admit; and I hope that any who may have been inclined to a different opinion will take into consideration the reasons and facts which have weighed with us, before they finally commit themselves to a different view. I have discussed the subject frankly and unreservedly, in the hope and belief that we shall ultimately be at one regarding the matter, whether that result shall come from Reformers and others who have taken a different view, adopting ours on further consideration; or from that different view being accepted as the correct one after all; or by some compromise between different opinions, if such there should be. (Applause.)

## SOME PROVINCIAL EXPENDITURES.

One point more. Our Act of 1892 gave to the Province the percentage to be paid over and above what Mr. Blake's Act had given to the counties. The reason is, that the Province pays large sums every year for objects generally paid for elsewhere with borrowed money, and for other objects of municipal interest and in respect of which municipal burdens are thereby lessened. Thus, besides carrying on the Government of the country, and defraying all expenses which must necessarily fall on the Provincial exchequer, the Province paid, up to December 31st, 1892, in cash, for railway aid, nearly six million of dollars (or more exactly, \$5,813,667). The amount of the debenture investments and bank deposits under the Sandfield Macdonald administration, as shown by his Treasurer in his final financial statement, was about three and one half millions (or more exactly, \$3,595,645). Thus, since Mr. Sandfield Macdonald's time, the expenditure of the Province on railways alone has been two millions of dollars more than the aggregate amount of the investments made prior to the accession of the Reform Government to power, and of the bank deposits then in hand. But large sums of our capital and revenue have also been expended in finishing buildings previously begun by Mr. Sandfield Macdonald's Government, and not completed at the time of his defeat and resignation. Also, in needed additions to these buildings from time to time since, and in new buildings and other public works. The total expenditure on public buildings and public works from 1872 to 1892, inclusive, was \$8,846,945, or more than double the amount of Mr. Sand-

field Macdonald's investments and cash deposits. These two heads of expenditure amount together to, in round numbers, thirteen millions and a half of dollars, or more than four times Mr. Sandfield Macdonald's investments and deposits. (Applause.)

Large sums have also gone annually for various objects in relief of the municipalities, such as the Administration of Justice, Education, Agriculture and Arts, Industrial Farms, the maintenance of such Public Institutions as the Asylums, the Central Prison, the Penetanguishene Reformatory, and Hospitals and Charities, and various other objects of municipal interest; and for colonization roads; not to speak of a distribution in 1874 and subsequent years of three million dollars (\$3,388,377) amongst the principal municipalities of the Province, in connection with the settlement of the Municipal Loan Fund indebtedness of other municipalities.

If the Province had not had the early investments and the timber sales to assist, no such expenditure could have been made for the public purposes mentioned without going into debt as other Provinces and States have done, or unless the Province had met the expenditure by taxation. But, having regard to the past and the future, it is necessary in the common interest for the Province to avail itself of fitting sources of additional Provincial revenue, so as to avoid direct taxation of the ratable property of the country in aid of the Provincial Treasury. Hence towards this object we have succession duties, license fees, and the percentage of the incomes of certain officials under our act of 1892.

The members of the Young Men's Liberal Club have done splendid service for their country in the past. The Liberal Clubs everywhere have done like service. Young Liberals and old Liberals throughout the Province have vied with one another in the good work; and on the continued zeal and energy of all in the same direction depends the future of our Province. To its prosperity and the well-being of its people I have gladly given the last 21 years of my life, and I hope with your help to be of service to the good cause for one term more. (Loud applause).

A vote of thanks was passed by the meeting with applause, and Sir Oliver made an acknowledgment in a few words.

*The* EDITH and LORNE PIERCE  
COLLECTION of CANADIANA



*Queen's University at Kingston*